

LONG ISLAND POWER AUTHORITY

Legislative Oversight Committee

Verbatim Minutes

A regular meeting of the LIPA Oversight Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11788, on March 16, 2011 at 4:00 P.M.

Members Present:

Matthew C. Cordaro - Co-Chair/Electric Utility Expert
Sheldon R. Sackstein - Co-Chair/Energy Expert
Peter G. Schlussler - Secretary/Electric Utility Expert
Irving Like, Esq. - Energy Expert
Joseph Schroeder - Energy Expert/Suffolk County Legislature
Fred Gorman - Nesconset Sachem Civic Organization

Also in Attendance:

Legislator Edward P. Romaine - 1st Legislative District
Legislator Wayne R. Horsley - 14th Legislative District
JP DiMartino - Aide to Legislator Horsley
Paul Perillie - Aide to Majority Leader Cooper
Kara Hahn - Director of Communications/Presiding Officer Lindsay
Vincent Frigeria - NYPA - Director/Public & Governmental Affairs
Claude Solnik - Long Island Business News
All Other Interested Parties

Verbatim Minutes Taken By:

Alison Mahoney - Court Reporter

*(*The meeting was called to order at 3:14 P.M. *)*

CO-CHAIR CORDARO:

Although Irving's not here, maybe we could cover a few procedural issues and scheduling issues to get them out of the way and hold on some of the substance of what we might discuss til Irving arrives.

All right. One thing that we have to take up is scheduling as far as when we're going to meet and what the future is going to look like in that respect. Now, I'm going to throw this open for discussion, but one suggestion that I have, and it seems to work well and there's usually a room available because of the situation, is to shadow the EEE Committee meetings on their schedule so that we have a base number of meetings and a base meeting date that we can get together. Does anyone have any opinions on that, or any problem with that, or have an alternate suggestion?

MR. SCHROEDER:

Yes, just on the question. Is it your intent we will be meeting monthly or every time the Economic Development, Higher Education & Energy Committee meet?

CO-CHAIR CORDARO:

I looked at the schedule. I would think that we should attempt to meet every time the committee meets. We're going to have a lot to do and there's going to be a need for us to communicate. Especially since we're limited on being able to communicate as a whole without meeting the public, so I think we should seize every opportunity we possibly can. I don't know if this presents a problem for the Legislature or that we're going -- the space is not available or there's some conflict.

LEG. ROMAINE:

We can always make space available, even if it's downstairs in the conference room.

LEG. HORSLEY:

Yeah, go ahead.

LEG. ROMAINE:

Just to answer that, we can always make space available. This is a commission who has oversight responsibilities to advise this body, the Legislature, but have watchful eyes on the operations of LIPA and its subcontractors such as National Grid and ensure that everything is appropriate. We can always make space available. Whatever the convenience is of the members, maybe some would prefer to do it after working hours at five or six o'clock; this building will be made available. It may not be this room, but we do have conference rooms other than this, as Joe knows, that are big and can sit several people, because our meetings are not in private, they're in public. So it's up to you, who are the members, to determine.

We, both myself and Legislator Horsley, are committed to attending as many meetings as we can, and either one or both of us will try to make all of your meetings, not to do anything other than just to listen in. We have entrusted this task to you because we have full faith and confidence in you and the background you bring to this endeavor. So I don't know if that's an answer.

CO-CHAIR CORDARO:

I think that's fine. One good thing about meeting after the committee is that it probably assures one of you being present or being able to attend.

LEG. ROMAINE:

Well, I'm not on the committee but Wayne is the Chairman. In fact, he was duking it out with someone from LIPA today on the security deposit issue, and I think that Legislator Montano also was

involved in that exchange. But it's -- you know, we're very interested in your work. We're very interested in getting interim reports from you, so whatever it takes to do that, whenever you want to meet, whenever it's convenient. And we understand not every member of the committee can make every single meeting. You may even want to break up your work so you can specialize and come to each meeting and allow each member to discuss the work they specialize in; that's totally up to you.

CO-CHAIR CORDARO:

Fred?

MR. GORMAN:

Yes, I would like to make a recommendation; we have one meeting a month and we have one work session a month. And a work session can be down stairs at any particular time, and between one work session and one regular meeting, we can pretty much cover everything.

Now, at work sessions, for example, most meetings that I'm familiar with, the public still gets an opportunity to speak or present any information. So we can have two meetings, I would recommend at least two meetings because we have a lot of ground to cover, we want to do it fast and we shouldn't be waiting 30 days to figure out whether or not we've got it right.

CO-CHAIR CORDARO:

Well, I think it's a matter of labeling what we're doing. There really isn't going to be much difference between a meeting and a work meeting; we're pretty much going to be doing the same thing at each.

I looked at the schedule and written down the dates as to when the EEE Legislative Committee meets, and we don't have to -- this doesn't have to be set in concrete, we can change this at any point. But just as -- to give us some sort of foundation and a base, maybe we can just circle these dates right now. I think the next date the committee meets is April 20th.

MR. SCHROEDER:

No.

CO-CHAIR CORDARO:

No?

MR. SCHROEDER:

No. Actually, that was changed to April 13th due to --

CO-CHAIR CORDARO:

Okay.

MR. SCHROEDER:

-- religious holiday observance.

CO-CHAIR CORDARO:

All right. Okay, April 13th.

MR. SCHROEDER:

If you simply want to stipulate, Matt, that we're going to follow the schedule of the Economic Development, Higher Education & Energy Committee meetings, and that way any change in schedule would affect us as well as them and that way any room accommodations maybe would be made clear.

CO-CHAIR CORDARO:

Yeah, that's fine. But as far as the next meeting, at this point in time it appears like it will be April 13th. And after that, we'll try to follow the Legislative committee schedule as closely as possible, unless we decide that something else will be appropriate.

Also from a scheduling standpoint, I think we need to think about the public sessions, the public hearings, the formal public hearings that were part of the legislation; we're supposed to have four of those. I would think that we should have the first one in about two months, I don't have a specific date in mind. I think maybe we need some feedback or some guidance as to where it should be held.

LEG. ROMAINE:

Well, this is what I would say so that it would be fair. Two on the west end and two on the east end, I think the legislation calls for. Obviously one of the west end locations should be right here, I think it's centrally located. And the next -- another one could be either the Brentwood Campus of the college or Babylon Town Hall, I'm sure Supervisor Ballone will serve as your host; or Huntington Town Hall, Supervisor Patrone; Islip Town Hall, Supervisor Nolan; any of those supervisors I'm sure would be delighted to host you.

On the east end, we have the County Center on the east end in Riverhead, I think that would be appropriate. And if you want, I'll be happy -- by the way, if you ask me, I will make all the arrangements for the committee so you don't have to -- I have a staff, I can make the arrangements. Obviously I know all the Supervisors pretty well. I could call also Supervisor Anna Throne-Holst for Southampton Town Hall. So I think you just tell me which one of the town halls, you want it on the west end or if you want to use the college, and I'll make all the arrangements.

CO-CHAIR CORDARO:

I'd like to open it for up for discussion amongst the committee as to where the first one should be, perhaps, looking at about two months. And I think maybe, since we're supposed to carry out four within the space of a year, maybe on a two-month general basis or time between the meetings would be a good target. But we perhaps need to think about the first one and think about where we'd like to have it and at what time of day we'd like to have it. So, you know, I'm just going to throw that out for a discussion, if any of the committee members have any ideas on that.

MR. SCHROEDER:

Just from an operational standpoint, we'll be involved with the Capital Budget here, that begins around mid April, and from the Budget Review standpoint, continues through about mid May, and the Legislature will be having Capital Budget hearings during the subsequent period. So perhaps if we look towards the second half of May and we maybe look at doing our first public hearing in Riverhead, that would take us a little bit off the radar in terms of being in the way here maybe for the Capital activity, but get us within the timeframe that you're discussing.

CO-CHAIR CORDARO:

Okay. So you're suggesting Riverhead in May, at some point in May.

MR. SCHROEDER:

Yeah, maybe the second -- well, the third week in May.

CO-CHAIR CORDARO:

Third week of May. Any other thoughts?

MR. SCHLUSSLER:

That's good.

CO-CHAIR CORDARO:

Well, hearing nothing, no response, I think we can ask Legislator Romaine's staff to examine the availability of the Riverhead Complex and maybe give us a few dates that we could target to have the public hearing out at Riverhead.

LEG. ROMAINE:

I'll have that back to you by tomorrow.

CO-CHAIR SACKSTEIN:

Do we have any sense as to what we plan to hear or do at that hearing? Do we have a report that we're going to be ready to make to the public that we want them to comment on? Do we need to get some sort of a sense as to what our target presentation will look like before we schedule a date?

And going back to what Fred had said, I think meeting once a month perhaps is a little too infrequently. There's work to be done. And certainly we can individually work between meetings, there's no question about it, and we can break into working groups and identify those work products that we would like to report on, but it just feels a little uncomfortable to me at this moment to be scheduling a date for a hearing and not having some sort of a work product to present. So I put that out to the committee.

CO-CHAIR CORDARO:

It's my understanding, from discussions I've had with the Legislators, that the purpose of the hearing would be to hear from the public as to what are the most important issues that they are concerned about with LIPA, and to conduct it more in a discovery manner rather than to present something to the public and have them react to it. Especially within the space of two months, I agree with you, we're not going to have anything polished enough to throw out into the public and to enable the public to adequately respond.

So I would think that we'd have to publicize the meeting extensively and make it clear in the notice of meeting that we're gathering information, we're seeking public input as to the things we should be looking at and the things that the public is interested in. Any other comments on that?

MR. GORMAN:

Yes, I'd recommend -- I know we don't have a website yet, but if we can get an e-mail address, we can send out e-mails to basically everyone we know, I know I can send out 40,000, and ask the people --

*(*Laughter*)*

I'm not kidding. I'll give you the list. What I'm suggesting is if we send enough of them out to people, we can illicit their responses and whatever makes sense we can go forward with. I think there's a lot of people that would absolutely love to e-mail us their opinions; and besides their opinions, you'd be surprised, there's a lot of people out there with a lot of data; Carmen, for example.

MR. SCHLUSSLER:

Just real quick. We do have a website, it's hanging off of the Legislative website. We have the meeting minutes, plus our schedule will be on there, so it's actually up there right now.

MR. GORMAN:

Okay. Nobody told me.

MR. SCHLUSSLER:

There's no e-mail address associated to it, however, so.

MR. GORMAN:

Could we possibly -- well, if everybody thinks what I'm suggesting makes sense, maybe we ought to send something out to some people, see if they're interested in giving us some information, some ideas and concepts. Maybe we could have a little something that we could partially present to the people, you know, based on the commentary we already received.

CO-CHAIR CORDARO:

I have no problem with trying to widely disseminate the notice of meeting in any matter we can. I think if we want to individually invite people and make them aware of the meetings, we should be able to do that; I mean, there's nothing to prohibit you from doing that.

MR. GORMAN:

I was just recommending that what we do is we send out an announcement that we are looking for information, if you want to provide us with information. I just volunteered, I have a fairly large civic list that I would certainly have no problem sending it out, my list, or giving you the list. And, you know, there's a lot of people that are really interested and would probably come back and give us some response and maybe help us. That was just a suggestion; if we want to do it we do it, if we don't we don't. We could vote on it.

CO-CHAIR CORDARO:

Yeah, no, I don't disagree with you. I think you need to open up all the avenues of communication. And if we get early input from people, members of the public on LIPA issues, that's fine, we can collect that information and look at it and use it to guide what we may do. But we want to make sure to get a good turnout at these public meetings, as many people as possible and to cover as broad a spectrum of LIPA issues from the standpoint of what the interests, the public's interest is, and any way we can do that. I think we can communicate through the Suffolk County Legislature or post a notice on the Suffolk County Legislature.

MR. SCHLUSSLER:

Yeah, it has a schedule and the meeting minutes. It's not that sophisticated of a site, though. It doesn't -- you can't blast out e-mails from this site, that's what I just wanted to point out. It's just a tool for when our next meeting is and basically what the meeting minutes were for previous meetings.

CO-CHAIR CORDARO:

Right. Of course we can also issue press releases with the date and the purpose of the meeting.

LEG. ROMAINE:

Right. I've asked my Aide to contact Peter about putting together a web page for the Oversight Committee that can work as part of the County Legislature's web page, be advertised on it or linked to it in some way. So if you get a call from Bill. I asked Pete only because that's something that he is intimately familiar with.

CO-CHAIR CORDARO:

Okay. So, I mean, obviously we should take full advantage of the media, informing people of what we are, what we're doing and to request input from them on LIPA issues.

MR. GORMAN:

Yes, could we get a -- perhaps Peter, who I think is probably the most expert, maybe he could put together the e-mail, what he'd like to see go out from all of us, get everyone's approval. And then when the meeting is coming, or a couple of days before the meeting when it's going to be most effective, maybe then we should blast whatever e-mails we could. We could also ask the Legislature, which has a long list of people that they constantly want to be kept up, they could send it to those people as well.

MR. SCHLUSSLER:

I will take a look into that tomorrow.

MR. GORMAN:

Thank you.

CO-CHAIR CORDARO:

It may be appropriate to publicize our next base meeting that we're having and to let people know when it's going to occur. And if we can come up with a date, if Legislator Romaine comes up with a date as far as availability of the Riverhead Complex --

LEG. ROMAINE:

We'll have dates for everything, including the Town Hall meetings which will be in Town Halls, we just have to check with the Supervisors. I've already asked my Aide, Bill Faulk, and before -- within the week he will be in touch with you and offer multiple dates.

And we'll probably move from east to west, because I think you'll get a much larger crowd in the west end. If you had it, for example, in Babylon Town Hall or Huntington Town Hall, you'll get a much larger crowd there. I know the town -- what we will also seek to do is see if we can enlist the Supervisors of those towns in publicizing the hearing so that people from their townships and surrounding areas can attend. And we'll work on setting up whatever dates are convenient for you and for your committee members.

CO-CHAIR CORDARO:

We should try to give as much advanced notice of this date and then repeat that notice periodically after the first announcement so we make sure we get a good turnout at that public meeting.

LEG. ROMAINE:

Absolutely. And I know there's a number of radio stations that will carry that, and possibly we can talk to Cablevision and see if they would be kind enough to carry it as a news release like the day before so that people are notified in the broadest possible way.

I'm hoping that at these hearings there will be several hundred people attending and maybe -- not that I want to ask you to bring No-Doze or something like that, but maybe we could get as many as 25 to 30 people in an evening testifying, you know, maybe even more depending on the time that you would want to set. I think that three minutes to five minutes, in that range, would be a reasonable time for someone to cogently explain their thoughts and allow as many people as possible to speak. I think that would be something the committee should look at. Thank you.

CO-CHAIR CORDARO:

That raises an important point, an issue that I think Joe Schroeder covered in one of his e-mail correspondences with the rest of the committee. Maybe I'll ask Joe to talk about that, regarding the manner in which the public addresses the committee, the time involved and interaction with the committee and the response of the committee. Maybe, Joe, you want to repeat what you had written?

MR. SCHROEDER:

Well, in essence, it's simply to keep information flowing and the process moving along. If we establish a procedure whereby we are inviting the public to speak so we have input from the public and to get as much input as possible that we can manage and make use of, then if we limit the timeframe for the presentation, as Legislator Romaine had suggested, to three to five minutes and we can decide based on whether or not there's a lot of people here, maybe we can relax it to five; or maybe if there's a big crowd, we need to exercise a three minute time constraint, but we should be able to exercise judgment from the Chair on that score.

And then if particular committee members have a question relating to the presentation, that there shouldn't be a free dialogue. If this process is going to remain manageable and we have this free-for-all dialogue from the panel to the public, I think what we need to do is be a little more disciplined and channel our questions through the Chair to the presenter and let the Chair manage the timeframe given the number of people in attendance and how we're running. Because at the end of the day, this isn't just about getting information, this is going to be what are we going to be able to do with this information? And so it's got to be cogent and it's got to be manageable.

MR. GORMAN:

I would disagree. I think that anyone who comes here from the public that wants to speak should be heard intently, all right? You are going to get some people here that you may feel aren't as articulate as they should be, maybe they're a little too excited. But I've been on the other side and I know how frustrating it can be to some people, particularly when you cut them off, as respects question (sic). If I have a question of someone, I want to ask that question. And I would only be asking that question myself if I felt it was extremely important, because I'm not interested in keeping the speaker up more than anyone else and I don't think anyone on this panel is.

So basically, with all due respect, if a citizen gets up there and we're supposed to actually be listening to the citizen, I don't think we should cut him off too soon. I think that we should listen to what they have to say. If they start repeating themselves, fine. You can also ask people, "Please present what you want in writing in case you can't get it completely through to us. Give us something in writing so it can be reviewed and made part of the record," but be as polite as we possibly can to the people that have come here, because they're all frustrated. They all feel like they've been screwed over by LIPA and everybody else and they want their opportunity to be heard. So I'm not exactly in favor of limiting somebody to three minutes and saying, "Your time is up." I know how much it affects the speakers on that side, and many a time I've gone outside with people that were completely frustrated to calm them down. So I'm just saying, be a little -- just be a little sensitive, that's all.

MR. SCHROEDER:

Fred, I've been on the other side of that microphone myself. This is not an intent to stifle communication from the public, it's not an attempt to limit questions from members of the committee. It's a methodology to better manage the process, that's it. And if you on one hearing date allow speakers to do one thing and then on another hearing date change your procedures, you've treated somebody unfairly. If we establish a procedure, then everyone gets treated according to the procedure, and we can always allot more time for a specific issue if that's warranted.

MR. GORMAN:

I respectfully disagree. I don't want to go back and forth, I just respectfully disagree.

MR. SCHROEDER:

That's fine.

MR. GORMAN:

You know how frustrating it is when all of a sudden the County Executive comes in and he gets 20 minutes to say something and people have been waiting an hour? With all due respect, and I understand what you guys are trying to do, but if we're going to listen to the public, we should listen to the public. That's my opinion.

CO-CHAIR CORDARO:

I don't think anyone disagrees with you, Fred. It's just a matter of what's practical from the standpoint of how much time, the number of people who want to speak and, you know, that sort of thing, rather than to limit people. If indeed, as Joe indicated earlier, there's three or four people in

the room, then I think we can be very lax in how we enforce the time. But if every seat in this auditorium is filled up, and we don't want to be here for five or ten hours, then, you know, practically we have to limit the time so that everyone gets a chance to present their remarks.

I think the opportunity that they can, and I think you've made the suggestion, submit something in writing afterwards if indeed they didn't cover everything that they'd like is fine. I think that would be very useful.

MR. GORMAN:

I would recommend that they be told to bring something in writing so they're sure that it's in the record.

CO-CHAIR CORDARO:

Sure.

MR. GORMAN:

And I still disagree.

CO-CHAIR CORDARO:

Well, I think another very important thing that Joe mentioned is to limit the dialogue with the presenters. You know, we're more in a listening mode, in a discovery mode during our meetings and the formal public meetings. And it's -- it would be impractical, which is -- and it's also pretty much the procedure that the Legislature follows, to have confrontations and back and forth questions. I think we need to hear what the public needs -- has to say, record what the public has to say, take it under advisement in our deliberations, but not get involved in a debate, for instance, with a speaker.

MR. GORMAN:

Well, how did we all of a sudden get to a debate? I thought we were basically talking about if I have a question, someone has a question; that's not a debate, that's one question. You want to say if someone has a question that they can ask one question, you want to agree with that? I have no problem with that. I have no intention of getting in a debate with anybody.

CO-CHAIR CORDARO:

It's just that we may not be in a position to answer that question, or to answer that question adequately it would take a considerable amount of time. And maybe that is part of our product and what we eventually develop and release to the public, if that question is legitimate enough. But to ask questions of the people presenting, other than a minor clarification, I mean, if there is a minor clarification or a misunderstanding, that is appropriate. But the and forth nature of it is difficult to control, and I think the Legislature pretty much follows that same procedure.

LEG. ROMAINE:

Yes.

MR. SCHROEDER:

If I could add, I think that the --

MR. GORMAN:

I thought I always heard Legislators asking questions from the bench.

LEG. ROMAINE:

We're allowed to ask questions during our public hearings. During the Public Portion where the public speaks, we're not allowed to ask any questions and we have to sit and listen. And a lot of times we want to ask questions because we know the information that some of the speakers want to

convey and we want to -- that's shared with our colleagues, but we don't do that because, again, it's a public portion for the public to speak.

I think this committee would be best if they allowed every member one question, if they wanted to question any, but I would advise you, that -- the more questions you ask, the less the public can speak. That's why we adopted the rule, at least during Public Portion which is at the beginning of the meeting, it starts at 9:30, right after we do the proclamations we go to Public Portion. We don't speak at all, we're there to listen, and that usually runs an hour to two hours to longer depending on how many people come out and what the topic is.

MR. GORMAN:

I'm fine with that.

CO-CHAIR CORDARO:

Fine. We're still waiting on Irving, but maybe we can at least start discussing some agenda issues in broad terms, and I'm going to pretty much rely on the feedback and the input from the committee on this rather than to dictate certain subjects or throw certain subjects on the table and suggest that they have a priority of some sort over another.

I do find very helpful the e-mail we got from -- received from Legislator Romaine's Aide regarding the kinds of subjects, from a category standpoint, that we should be considering on a priority basis, and those were mostly the Consumer Affairs type issues, and I personally wholeheartedly agree with that and I think that that's something we should consider and discuss among ourselves.

And then beyond that, we should talk about other specific issues which we feel are very, very important from the standpoint of LIPA, its interaction with the public, its performance for Long Island and things we think are vital. But keeping in mind that we don't have an infinite amount of time to deal with these subjects, and LIPA's business is so complicated that there are many, many questions that could be asked and probed. So we've got to streamline our agenda and focus our agenda so that we have some targets and it becomes something practical that we can achieve in the end by the end of the year, which is pretty much our target; I think the one-year period is envisioned by the legislation that established this committee.

MR. GORMAN:

Excuse me. Could we consider just FOILING all the Department of Consumer Affairs complaints, take a look at those complaints, categorize them as a place to start?

LEG. ROMAINE:

I don't mean to interject, but Consumer Affairs doesn't handle complaints from LIPA. LIPA handles its own complaints. So if they do something wrong in the eyes of the consumer, the consumer has to go to the wrong-doer to complain about the misdeed that they perceive to either be real or not real and LIPA then has to respond to it.

And that's something --

LEG. HORSLEY:

Are complaints FOILable?

LEG. ROMAINE:

-- that this body should carefully consider, because maybe after this commission expires, they might want to recommend something like an independent consumer watchdog group as part of a public utility that complaints could be adjudicated at some point if they can't be resolved. And this board may morph into something more than just a voluntary board, but a board that may be able to adjudicate consumer complaints.

I mean, one of the things that this commission can do and the reason that my Aide probably directed you towards consumer complaints is because while there's many structural issues that we all feel passionately and deeply about, my first concern, of course, is for my constituents, Wayne's for is, for our common constituents, many of these people have complaints. I just received a complaint from someone not in my district about LIPA, they would not turn on her power despite the fact she got an emergency voucher from Social Service, and she's a single mother with three kids, she didn't know what to do. And there's a story there and it took a long time and it's really in Kate Browning's district, but I'm looking into it and I urged her to see Legislator Browning, but we might have a board. If you have a public utility, maybe, because they have no oversight, you may want to have a consumer watchdog board when complaints can't be adjudicated by LIPA. Complaints against LIPA that have to be adjudicated by LIPA, that there's a second place for them to go for an impartial hearing.

That's something you may want to think about if we truly want to have a utility that serves the public. It's a possibility.

CO-CHAIR CORDARO:

The very interesting thing that comes out of this is that in the private sector, for private utilities, there is a formal complaint mechanism. The complaints go to the Public Service Commission --

LEG. ROMAINE:

Right.

CO-CHAIR CORDARO:

-- and the complaints are public information.

LEG. ROMAINE:

We don't have that because LIPA is a public utility, and that's why I'm suggesting that type of board. And interestingly enough, some, if not all, of the members of this board, when its oversight report is done, we may consider State legislation for you to morph into something different; compensated.

*(*Laughter*)*

MR. GORMAN:

So are we going to go --

LEG. ROMAINE:

We need to make sure that the rights of the consumer are protected; the rights of the consumer are protected.

MR. GORMAN:

Are we going to FOIL for that, or can I do it individually?

CO-CHAIR CORDARO:

Well, I guess we do can do anything individually as citizens, if we wish. I would suggest that before we take any formal action, FOILING or discovery of any sort, that we ask LIPA to provide information and see what they give us, what we get from them before we take formal action, and it may be necessary that we have to take formal action.

*(*Irving Like entered the meeting at 3:50 P.M. *)*

MR. SCHROEDER:

Matt, if I may? Irving's just arrived, and Irving did suggest a list of FOILable documents, and perhaps he can comment on this. Certainly, if it falls within what is FOILable, it's something we should absolutely consider.

CO-CHAIR CORDARO:

While Irving is coming up, the only thing that concerns me about that, and not that to any great extent, but we have to be careful to perhaps separate the activities of this committee from the legal actions that are taking place in Suffolk County and not cross wires in that respect. You know, that's not something I feel very strongly about and it's something I look to Irving Like for for Counsel with respect to those issues.

MR. LIKE:

What issues are you talking about?

CO-CHAIR CORDARO:

Well, I mean, there was a blanket suggestion perhaps that -- when we were talking about Consumer Affairs issues, that we immediately FOIL LIPA for a list of all their complaints or documentation on all their complaints. My reaction to that was that may be appropriate at some point, but initially we should request information voluntarily from LIPA and with no success in doing that, then consider a more formal action.

MR. LIKE:

I would agree with that. First give them an opportunity -- Yeah, I agree with Matt. I think just as a matter of courtesy, the first communication should be a letter asking for specific documents, and then if there's resistance, then you would consider whether to use FOIL.

MR. SCHROEDER:

Yes.

CO-CHAIR CORDARO:

And probably at some point, too, it's going to be appropriate for us to have LIPA here as we perhaps flesh out our agenda a little bit more and to have them make a presentation or address questions that we may have as part of our information gathering process. It might lead us in different directions or open up new doors, but I think from viewing other similar approaches or activities that have taken place in the past dealing with the authority, that may be the appropriate thing.

I know that that's what the Legislature does and the Legislative committees, they will request LIPA to come in. For example, on the storm and the excessive costs for Hurricane Earl, which were questionable to say the least, LIPA was invited in to address Legislator Horsley's committee to make a presentation and to answer questions.

LEG. ROMAINE:

I think that would be helpful. As a Legislator, if I'm asking someone from the Administration to come forward, not when they're here and questions pop off the top of my head, but if I'm specifically requesting them, I used to give them the courtesy of a couple of days advanced notice and some specificity as to what I will be asking them. And that way when they come here, although sometimes they don't come here if I do that, but when they do, at least I'm not ambushing them, number one; and two, they can't claim they're unprepared to answer because I had the courtesy to request specifically the things that I would like to ask about. And this committee may consider that. I mean, then there's no excuse; it's like "I don't have that with me," or "I'm not prepared"; well, we gave you a list.

MR. LIKE:

I think one of the first things I think we have to do is decide on what questions do we want to ask them and what documents do we want to request. Just to put out a buck-shot request I don't think is a disciplined way to proceed.

Now, I did circulate an offer from Scott Hempling to appear at a committee meeting, if it was something that was focused and disciplined, and give us his advice based upon his experience. We could ask him what questions should we ask the company; what, for example, would he ask if he was doing an analysis, which he does. And he represents and speak on behalf of municipalities all over the United States, so I think he can be a real resource in terms of informing us what questions to ask and what documents to request. And then once we get the responses, we could go back to him and I think he could then give us his evaluation or his comments on it. That would give us a structure for proceeding.

By the way, he did send me, voluntarily, I didn't ask him for it, but he's published something I think would be worth getting copies of -- it goes for like fourteen bucks, we could ask him to provide copies for each committee member -- and it's his experience in the regulatory field in various -- on various issues. So I've started reading it and just a quick read, there's very good stuff in here that will help us frame the issues that we think are the important ones.

For those of you who don't know, Hempling was consulted by the County during the period that led to the acquisition of the lighting company in Shoreham, and he presented a report as to his recommendations as to how to proceed. He apparently is very highly regarded in the regulatory community because he's been all over the United States, and he's generally called upon to represent the State's point of view or the municipality's point of view.

CO-CHAIR CORDARO:

I'm very familiar with Scott and he's a quality person, has an extensive amount of knowledge and experience. I think it would be valuable for us to have his counsel. I think also in his communication with you he offered to come up without --

MR. LIKE:

Without charge, right.

CO-CHAIR CORDARO:

Without compensation, which is another feature. But, you know, I look to the rest of the committee for making some comments on that or thinking that's a good idea to have him up to talk to us; for one, I think it would be extremely valuable.

MR. GORMAN:

I think I'm seconding that. That was a suggestion, that was a nomination. I second that. You want to vote? We could all raise our hand if we agree; isn't that the way it's supposed to work?

MR. SCHROEDER:

Matt, was that a motion? Because I agree, I agree. I agree with Irving's assessment that it would be good to get guidance from him on some of the issues that we should be focusing on that are practical for us to show progress on. Because there are certain things that are outlined in the legislation charging us with specific and very detailed rate evaluations that I'm not comfortable that we could accomplish completely because of the limited access to necessary information. So I certainly think it's a good idea to have him here before us, especially if he's willing to do gratus.

CO-CHAIR CORDARO:

Well, if we need to have a formal motion then we make a formal motion. And I would propose that we request Irving to invite -- since Irving has a relationship with Scott, to invite him to attend one of our meetings when he's available, of course we'd have to work around his schedule. But that would be my motion, to ask Irving to invite him to a meeting that he can make.

MR. GORMAN:

Should I second the motion?

CO-CHAIR SACKSTEIN:

I would second that motion.

CO-CHAIR CORDARO:

All in favor? *Carried (VOTE: 6-0-0-0).*

MR. LIKE:

Could we, as part of any communication with him, give him at least the beginnings of an outline of issues that have already been raised, areas that we're interested in so that he knows that there's going to be an agenda for the meeting when he comes here.

CO-CHAIR CORDARO:

From reading his e-mail to you, he's at least got some notion of the kinds of things we're looking at. The elected board was something he commented on.

MR. LIKE:

Right.

CO-CHAIR CORDARO:

I think PSC oversight, I think we're all interested in that; auditing, perhaps, of LIPA; management, a full management audit which would provide us the opportunity to uncover all sorts of things that may be of use and provide us some insights on --

MR. LIKE:

Why don't I draft a letter and circulate it amongst you for comment, okay?

CO-CHAIR CORDARO:

Sure, that would be fine.

MR. GORMAN:

Matt, could we go back to the Consumer Affairs issue? Is someone going to write a letter asking for that information; have we decided that we're going to ask for that? Because I think it was kind of left open.

CO-CHAIR CORDARO:

Yeah, I think it was. I think we've got to be a little more specific than Consumer Affairs if we want to go after complaints. I have a suggestion along those lines.

LIPA, over the last ten years or so, has conducted customer satisfaction surveys which they've kept under lock and key, internal customer surveys, not the JD Power customer satisfaction studies which are released publicly, but internal customer satisfaction studies which are very valuable -- which provides very valuable information as to a customer's experience with LIPA, and this has never been released to the public. I know, as a former CEO of a public utility, we used to, as a routine practice, release the results of our customer satisfaction surveys, because that's how we were measured, our performance was measured, and we do it publicly. And LIPA is a public utility and I think their customer satisfaction data is something that should be available to the public and would lead us to maybe the common thread of some issues from the public's perspective and customer satisfaction issues.

MR. GORMAN:

Are you making a motion?

CO-CHAIR CORDARO:

Yes. I can make a motion that we request LIPA's internal customer satisfaction surveys and any summary documents produced in evaluating that customer satisfaction data to this committee.

MR. GORMAN:

Second.

CO-CHAIR CORDARO:

All in favor?

MR. SCHROEDER:

Aye.

CO-CHAIR CORDARO:

Okay. *Approved (VOTE: 6-0-0-0).*

MR. GORMAN:

Have we decided who's writing a letter? Are you writing the letter, Matt?

CO-CHAIR CORDARO:

Well, let's get -- let's get more into our agenda right now and see where things fall as to who does what from the standpoint of, you know, how many issues we put on the table at this point and how we go about attacking it. It may be that I write that letter or that it come from the secretary of the committee, perhaps, that's another possibility; not to give the secretary any additional work, but that might be a more appropriate vehicle. It's something we need to discuss. Let's see what the laundry list is like first before we start running off in different directions and request information.

CO-CHAIR SACKSTEIN:

What I think he's suggesting is a motion has been put on table, seconded and passed, and an action needs to be taken. He wants to know who's going to take the action and when?

CO-CHAIR CORDARO:

And I think that's --

CO-CHAIR SACKSTEIN:

Is that what you mean?

MR. GORMAN:

He knows what I mean.

CO-CHAIR CORDARO:

I know exactly what he means. And what I'm saying is that we can make that determination today when we have more of the issues fleshed out and see how they're organized as far as who should take lead responsibility or what procedures we should adopt to pursue these things.

I think from the Consumer Affairs issues, just to repeat what was in Faulk's e-mail, I think he was concerned about the overcharge issue, storm issues, storm expense, rates and the Green Choice Program, I think those are the things that were highlighted. And I think one good -- one thing that will come out of looking at the customer satisfaction data is those issues will jump out at you, they will be covered in that.

MR. GORMAN:

And I also think that they would be terrific to have when we have our first group of people come by, because we're talking right to the choir then, and they understand that we're on their side because

we're showing them the issues. You know, I think it would be great if we could get that information.

CO-CHAIR SACKSTEIN:

Peter, I'd ask that you draft the letter so that we can review it between now and the next meeting.

MR. SCHLUSSLER:

Okay.

CO-CHAIR SACKSTEIN:

Thanks.

CO-CHAIR CORDARO:

Now, putting some more issues on the table, I'm sure -- we should probably go to each committee member and maybe repeat things that we've said in the past about issues which are very, very important to us and sort of narrow down or label the issues with individuals on the committee. You know, I'm going to start at one and I think something that's very important, overriding or overarching is some insight as to what LIPA is doing to examine its future structure.

There have been reports that have been produced by its consultant, up to this point that I'm aware of, I haven't seen but I'm aware of them, that talk about the possibility of different structures for LIPA in the future. I think it would be valuable for this committee to have that information as well as perhaps some role in their efforts or some insights into their future efforts in examining what their structure should be. I know at the LIPA Board meetings, the Chairman has made some comment that imminently other reports or documents may be produced which address the feasibility of different structures for LIPA, so that is imminent.

MR. LIKE:

Didn't Lazard Freres Report do a report for them which looked at those issues? If they did, we should certainly get a copy of that report and any of the work product that went into it. Not just the summary or executive summary, but I would like to see the specific content of the report, the entire report.

CO-CHAIR CORDARO:

Without question. As well as the work product of the Brattle Group which has really picked up on what Lazard had did and taken it to the next level, at much more significant expense than was incurred for the Lazard effort. So there's.

MR. LIKE:

What was the Brattle Group?

CO-CHAIR CORDARO:

The Brattle Group comes out of -- it's a quality consultant, management consultant, utility consultant, energy consultant group. It's in New England someplace. But they've made reference to it in some of their board meetings, and I think the material being produced by the Brattle Group will be very valuable. Or even to the point when we have LIPA in here to have them an explanation of where they are in the process and what their timeline is.

Their future structure is really the foundation upon which a number of other things will take place. The MSA, for example, they may not -- if they become a public utility unto themselves, they have no need for an outside contract, so there would be no MSA if that's the decision they make.

Similarly, depending on what structure they adopt, it would definitely influence their solicitation for 2500 megawatts of power; they'd make different decisions depending on the structure of the group. So this is a foundation issue which I think is very, very important to enable us to go to the next step on some of these other issues which many of us are interested in.

CO-CHAIR SACKSTEIN:

Matt, I want to talk a little bit about the MSA, and also the Power Purchase Agreement. We can talk about the structure of LIPA and that's going to be a hypothetical, but there are going to be some hard closes coming up and those are going to be those contracts. And I think we need to focus a lot of attention on those contracts because that's going to encumber the ratepayers for the next 20 years. And if you think you've got consumer issues and you want to look at the complaints in the files that exist currently at LIPA, I think that the complaints will go through the ceiling if someone doesn't take hold of what's going on in that Management Services Agreement process immediately. And I say that as not just a member of this committee, but also as someone who was not allowed entry into the proposer's conference day one.

So to think that this is an open process I think is deluding yourself; not you, ourselves, all right? And I think we need to get inside the belly of the beast and find out what's going on in terms of that Management Services Agreement process. They may not have information there that they can share with us because it is confidential, but I'm talking process at this point, and I want to know what's going on in there.

I also want to know when you talk about the 2500 megawatts, I want to know very, very clearly what the methodology was that they applied in determining what the needs were going to be going out 20 years. If everybody says the young adults are leaving Long Island, if everybody says that the number of people on Long Island is decreasing, I think we have to have -- and we have a need to know what the methodology is that allows them to come to a conclusion as to what they're going to have in terms of need 20 years from now, as well as how does that take into consideration the opportunities that are currently existing and will exist further in the future when it comes down to renewable resources being utilized to replace fossil fuels. There's a lot of discovery that needs to take place. And I think we have to recognize that while some of these things are things that need to happen in terms of looking at the future of LIPA, and that's certainly on my list of things to look at, there are some things that have hard closes with contract dates, and we need to get our fingers around the throat of that thing. And thank God we've got the opportunity to at least raise the questions and put those questions before the public in case we have any problem getting the information out of LIPA, because we can try that case in the court of public opinion.

LEG. ROMAINE:

If I may just comment briefly. I think you are making a very cogent and telling point, because they obviously are geared to helping the consumer. Most important is this agreement that's coming up. And maybe this is something, Shelly, that you may want to put on something that you look into and bring back to this committee recommendations of actions or questions that you think should be raised on -- particularly on these pending agreements, because a lot of those agreements, on those agreements are going to ride the future of LIPA, and I think Mr. Like understands that, many of us understand that.

Do we need 2500 megawatts? What's their proposals, how are they planning to do this? Are they going to be purchasing the National Grid plants, are we going to repower them, are we looking for other situations where we're going to build new power plants? Are we looking for buying power off the Island? How is that coming? I think those are very pertinent questions.

CO-CHAIR SACKSTEIN:

You know, Legislator Romaine, these are consumer issues.

LEG. ROMAINE:

Oh, absolutely.

CO-CHAIR SACKSTEIN:

These are overarching consumer issues that have a long and telling time that there's going to have an impact on all of us. If you want to have a Legislature that's going to accomplish something in terms of business, and I know Legislator Horsley clearly is way out in front on that one, I think it's absolutely essential to make sure that these rates are kept in check.

And I must tell you, I'm troubled and I always have been from day one when the President of National Grid said, "The very lucrative Management Services Agreement." And we have believed in Action Long Island's Energy & Environmental Task Force for a long time, that it is well within the range of possibilities that the cost of the Management Services Agreement which is now being put for bid for the very first time, that illegal contract that was illegally extended, okay, is finally being put out to bid, and it may well come in at a price lower than the price we were paying before, because it's being bid, and that's important. And I --

LEG. ROMAINE:

Well, if that's the case, and I just will say if that's the case, it raises a whole host of questions about the operations of LIPA. And those are questions that, quite frankly, will have to be aired in a public forum.

CO-CHAIR SACKSTEIN:

Those issues will go back to prior chairmen and prior presidents, okay? Because when those contracts were given out, there were different people at the helm.

CO-CHAIR CORDARO:

Joe?

MR. SCHROEDER:

Just a comment. I don't believe, Shelly and Matt, that your thoughts are mutually exclusive; I think, I think they're highly compatible. I think discussion about --

CO-CHAIR SACKSTEIN:

Oh, I agree with you, absolutely.

MR. SCHROEDER:

-- some exploratory conversation with LIPA about their structure and governance plans for the future are pivotal to how they're viewing the potential bidders in the Management Service Agreement, their power supply agreement. If there are no -- if there are no retirements among the current inventory of aging Long Island plants that we have for base load generation, then there really is no conversation about that.

I think part of the intent, and I don't know this to be fact, I would like to know more from LIPA about this, part of the reason that LIPA increased, possibly, the RFP that's currently out there from a thousand megawatts to 2500 megawatts may include plans or potential consideration for retiring some of the existing base load generation, and I would like to hear from them on that issue.

I think these are two pivotable contracts that won't most certainly define our local economy and our ability to live here and compete against other regions for the next generation, and we've got to get some conversation going on that. Whether we can force them or compel them to share ongoing negotiations, I'm not confident that that's going to happen. But I am confident that we should ask them to come before us voluntarily and discuss these issues openly because they're a matter of public interest.

CO-CHAIR SACKSTEIN:

Well, perhaps we should be writing them a letter putting them on notice that this is part of what we're trying to go through in this discovery process. And we need, I think it's essential, Joe, we need to make sure that we keep an eye on the timeline, and that contract goes out 2013. And I think some decisions are going to be coming to the forefront probably just about the time we might expire if we're not extended. So there's a lot of things that are going on. I don't want foot dragging on their part because they believe this legislation is going to sunset, our enabling legislation; I think that's very important also.

CO-CHAIR CORDARO:

I would suggest that the first step is to have LIPA in and to approach them with these questions, or confront them with these questions, getting some feedback on what the process is with the MSA. You know, what process are they following? Because that has nothing to do with the purchasing process itself. I mean, what is the process they're pursuing, what are the timelines associated with that, and what was their thinking in establishing 2500 megawatts as a target for the solicitation; what's behind that? What are their plans or what are the different components of that plan or different directions it could take depending on what the bids produce?

You know, the first step is to have them in front of us. They may be very cooperative. Somehow I doubt that they're going to open the books to us entirely, but at least we'll have more information than we had before that, hopefully we'll have more information than we had before them coming in. And if we don't get enough information from them, then that gives us the reason to ask for more or take more aggressive steps to obtain that information.

CO-CHAIR SACKSTEIN:

Following the lead of Legislator Romaine, I think it's going to put a little extra burden on the secretary, he's smiling already, but I think we really should put together an ask-list so that when we do invite them to come in, they know why we invited them, they bring the information that's necessary, and if they don't then we have to take a more aggressive approach. And frankly, my more aggressive approach would be to go right to the public.

MR. SCHROEDER:

I would be happy to contribute towards Pete's effort. And adding to this an influencing factor in determining how much power generation is needed here on Long Island is how much demand we generate as a consuming public.

LIPA is investing \$90 million a year in energy efficiency programs and renewable programs that have recently at least adjusted in target from a consumption and energy-consuming matrix to a demand matrix which takes significant benefit away from ratepayers, in my opinion. I would like to better understand their intentions on this massive investment to offset demand-growth, because they're not taking away any existing demand. Their effort is to limit the rate of growth in demand to forestall development of new infrastructure, but we need to know how they're measuring that and whether or not that's in the public's best interest. Because if you're simply shaving peak demand off the system, all you're doing is benefitting ratepayers during those peak demand periods. You're not benefitting the ratepayers by offsetting the need for a new base load plant, which is where the money is.

CO-CHAIR SACKSTEIN:

Joe, at the same time, there needs to be a more aggressive approach to decrease the increase in the demand through other -- that's a LIPA term.

*(*Laughter*)*

Decrease the increase in the demand through more aggressive conservation programs, and I think that's essential also, which again would decrease the need for more base load. So there are a lot of things that need to be explored. This could be a long letter, but at the same time I think that that's a letter that we should get out within the next week so that we can start this thing in motion. Do you want to second that motion?

MR. GORMAN:

That is a separate motion than the first motion. This is the third motion we're making.

CO-CHAIR SACKSTEIN:

We're in motion.

MR. GORMAN:

Because I kind of got the feeling that what you were doing was an addendum to the original letter.

CO-CHAIR CORDARO:

We're going to be adding to that letter, I fear, as we have further discussions here. I mean, this letter is going to be a long list, not just one thing that we're requesting from LIPA. So maybe we should hold off til we put all the issues or a good number on the table.

CO-CHAIR SACKSTEIN:

I will withdraw that motion and say we'll just add it on to the original letter.

MR. GORMAN:

That's all I wanted to know, okay. So so far now we have two motions and they're kind of like separate, but they're altogether and they're all going to the same person.

CO-CHAIR SACKSTEIN:

One is Irving is writing and one is you're writing.

MR. GORMAN:

Okay. All right, we agree.

CO-CHAIR CORDARO:

Another thing I would add to the letter --

*(*Laughter*)*

-- is outage statistics and their procedures; outage statistics; storm outage and reliability statistics. It's a big black box how those statistics are calculated. They exhibit idiosyncrasies. As far as I'm concerned, having operated the LILCO system, I know what's usually routine operation and what kind of numbers you should be seeing from a daily basis, and I don't see that when I look at those statistics. I see oddities. When also you have certain storms and there are major outages and restoration is almost immediate and yet there are other storms with fewer outages and they take much longer to restore, the restoration time becomes excessive.

So, you know, one of the things we should also incorporate in this letter is some insight onto what's their procedure and process and what's their quality control procedures for ensuring that the numbers they're getting from National Grid are accurate.

CO-CHAIR SACKSTEIN:

I would also like to look at, Mr. Secretary -- I don't know how you're keeping up with all of it, God bless you.

MR. SCHLUSSLER:

It's not easy.

CO-CHAIR SACKSTEIN:

Along those lines, what Matt's describing now, I would like to review both LIPA and Grid's Emergency Preparedness Manuals. Having gone through LILCO's Emergency Prepared Manuals many, many years ago, they were -- they came up quite short. And I would like to see these Emergency Preparedness Manuals because this speaks to what Matt's talking about in terms of cost overruns, ringing the siren a little bit too soon. I'd like to see what the structure is and I, frankly, would like to compare the Emergency Preparedness Manuals between what Grid says they're going to do and what LIPA thinks they're going to do. When we reviewed the LILCO Emergency Preparedness Manuals there were two separate sets, one was for in the field and the other one was as the main office. And let me tell you, from my personal experience, when they brought them in on the skid so we could read them, they didn't match up, they did not match up. So I'd really be curious about this one.

MR. SCHLUSSLER:

Just one point. We're speaking about National Grid on the electric side, of course, not the gas side, correct?

MR. SCHROEDER:

Right.

MR. SCHLUSSLER:

Yeah, on that note, I just want to build up with the restoration. I mean, we have a thing called storm hardening that the money that's being invested has been quite significant, about \$38 million over the last couple of years, last four, and yet we spent 370 million on restoration of the electricity with these storms. I mean, there hasn't been a change in weather pattern over the last hundred years that I can tell, but yet our costs associated with the restoration is sort of sky rocketing. The only thing I can attribute it to is either we can talk about tree trimming or substation maintenance or whatever it is, but there is some issue there. So I would like to add that to the letter also, just a little forensic understanding of what it is that this storm hardening that they're spending \$38 million on yet our restoration costs are going through the roof; what is that about?

CO-CHAIR SACKSTEIN:

Mr. Secretary, you do know that LIPA owns a piece of a nuclear power plant.

LEG. ROMAINE:

Yes.

MR. SCHLUSSLER:

Yes.

CO-CHAIR SACKSTEIN:

Okay? An 18% stake in a nuclear power plant, which I'm more than mildly curious as to the state of the plan and the state of the restoration fund, okay? Because at the end of its use for life, there needs to be a pot of money which supposedly is going into a fund that's utilized to decommission and decontaminate. I'd like to see what the state of that fund is. I'd like to see what the state of the fund was when the takeover took place and what the state of that fund is right now. Because some people have suggested at the time of the takeover, that fund may have been raided, in which case I want the money back.

LEG. ROMAINE:

I believe the plan is in excess of 25 years, the age of the plan.

CO-CHAIR SACKSTEIN:

Correct, and I think the life was projected at 40.

LEG. ROMAINE:

Right. So at some point there'll be some decommissioning.

CO-CHAIR CORDARO:

No, they'll be going through a relicensing there, though.

*(*Laughter*)*

I can guarantee you that.

CO-CHAIR SACKSTEIN:

That's basically why I'm asking, where's the money.

CO-CHAIR CORDARO:

You know, that is something they can provide us and I think they will provide us, but there's nothing wrong with asking for it and we should get it because there's regulatory oversight for that; the Nuclear Regulatory Commission has regulatory oversight of that. So to abide by that oversight, they need to ride heard on those funds and be able to account for them. And who knows what we'll get, but I think it's a very legitimate question to ask and let's do it.

CO-CHAIR SACKSTEIN:

You know, interestingly enough, LIPA, as I believe, is still the only original owner, stakeholder, shareholder in that plant. The other two shareholders sold out. We'd have to ask Governor Pataki why.

CO-CHAIR CORDARO:

Well, it wasn't LIPA; LIPA inherited it from KeySpan who inherited it from LILCO. And I could actually tell you, in the spirit of full disclosure, I was the owner/representative for that plant, so I was involved in all the initial deals and deliberations and licensing and construction budgets associated with that plan. But Shelly is right, the original New York State Electric and Gas was an original 18% owner, and my memory is starting to fail me. LILCO --

CO-CHAIR SACKSTEIN:

We better ask you a lot of those questions about what you know about pretty quick.

CO-CHAIR CORDARO:

Especially before I get older because I'm starting to forget more things.

*(*Laughter*)*

LEG. ROMAINE:

I forgot more than I remembered.

CO-CHAIR CORDARO:

But, you know, those are all very legitimate questions, and that should be an easy one for them to handle. Hopefully it's an easy one for them to handle; if it's not, then we're in trouble. They're in trouble.

I think we're all in agreement that another over-arching subject area is PSC oversight which is being taken up at the State level, as well as the need for, you know, a full and comprehensive management audit of LIPA's total operation. And I'm trying to conceive of a way for us to get

further involved and pursue that as a committee. And perhaps, I don't know if we're over stepping our bounds, but it might be appropriate at some point to get the sponsors of that State legislation in here to talk to the committee on what their intent is, what the prospects for that legislation looks like and what their concerns are, and I think that would provide us with some valuable information and an opportunity to interact with people on the front lines dealing with that issue.

LEG. ROMAINE:

I think that is a very cogent point. Because often times in lawsuits, a court tries to determine the intent of the Legislators who are drafting a legislation. And any time they comment on that for the public record, you establish a record that has some viability. I'm not an attorney, but I'm sure Mr. Like could advise you on that.

MR. LIKE:

It becomes part of the Legislative intent.

LEG. ROMAINE:

That's correct.

MR. LIKE:

Legislative history of the bill, exactly.

LEG. ROMAINE:

Thank you.

MR. GORMAN:

Are we going to do that as another --

CO-CHAIR CORDARO:

But we can reach out to Assemblyman Sweeney and Senator LaValle to represent the Senate and represent the Assembly, and who are sponsors of bills to regulate LIPA and subject it to PSC oversight.

LEG. ROMAINE:

I certainly would invite them. And also, both of those gentlemen are extremely knowledgeable, as are other sponsors of that legislation, who could probably talk about a whole host of related issues, but definitely to get them on record as to their intent, absolutely. And to get them to appear to share their thoughts on public power on Long Island I think would be extremely helpful.

MR. LIKE:

I would also ask them to submit a draft of the proposed legislation; that will make him do more than just say it's a good idea. He would have to compose something. And ask him also to try to get committee hearings on it. In other words, give it the Legislative treatment, if you have to, to move it to becoming a bill passed.

LEG. ROMAINE:

Absolutely. Both of those Legislators are key players in each of their respect homes, houses.

CO-CHAIR CORDARO:

I think the actual bills have been filed. It's a matter of where they are in the committee process.

MR. LIKE:

The bill has been submitted.

CO-CHAIR CORDARO:

Yeah, I think definitely on the Assembly side, I'm not certain about the Senate side.

MR. LIKE:

What are we doing on the Governor's side? We're talking about the State Legislature, but we have a new Governor and presumably there's going to be input from the Governor in whatever we talk about. Is there some way and to whom shall we communicate in order to get the perspective of the Executive department?

LEG. ROMAIN:

Unfortunately, I don't believe the Governor has appointed a regional rep. Most of the Governor's -- his predecessors, had a regional representative. Governor Cuomo -- correct me if I'm wrong, Wayne -- has not appointed anyone --

LEG. HORSLEY:

Not that I've heard.

LEG. ROMAIN:

-- as his regional rep. I think that the best thing that we could do is to write to the Governor and invite him to send a representative who could speak to him on energy issues, particularly on the future of LIPA, that could address this commission. I think that would be a welcome opportunity for the Governor to put on record the direction he would like to see public power go on Long Island.

CO-CHAIR SACKSTEIN:

Where will we be weighing in relation to whoever is going to become the boss of LIPA? Are we going to be setting forth any suggestions weighing in in any way, shape or form? We certainly aren't going to make the decision. And when you talk about the Governor, in my experience as a former LIPA Trustee, the Chairman of LIPA at the time I was there always gave us every indication that if we were going to go forward and make any decisions, he had to check with the boss and the boss was the Governor.

CO-CHAIR CORDARO:

I think, Shelly, you're right, and nothing has changed in that regard. The board did carry out a formal search process, they hired Heidrick & Struggles, an executive recruiter, to conduct that search. They came up with three individuals on the short list which have never been publicly released, whose names haven't been publicly released. However, it's been put on hold because of the concern that the Governor really has the force or the power to make that decision, and that's where it -- from my understanding, that's where it lies right now.

I mean, our greatest ability to influence the selection there would be to have access to the Governor or people who advise the Governor, his Lieutenants to advise the Governor on making selections like that. That's the only thing I can see as having an influence.

CO-CHAIR SACKSTEIN:

I would like to just take a moment, since you're composing a very long letter, and share a thought with you about the transmission and distribution system. Okay?

There was a document that came from the PSC in 1989 and it was very clear and it said that the transmission and distribution system of then LILCO was woefully inadequate and in a state of disrepair. Since then, the ratepayers of Long Island have put a lot of money, probably close to \$4 billion, into turning that transmission and distribution system into something that the former President or Chairman, I'm not sure what Bob Catell was at the time, he characterized it as gold-plated, the best in the state, if not in the nation. And I for one would like to get a sense for the moment, while we don't have any power to do anything about it, I don't think, I want to get a

sense for the moment of this committee, and maybe even put it into the letter or take a public position on it, as to the secured, retained ownership of that transmission and distribution system on behalf of the ratepayers. And I'll tell you why I asked the question.

All kinds of rumors go around. Sometimes people say, "Well, why don't we swap the power plants for the transmission and distribution system?" Bad deal. Bad deal. But when I hear a rumor like that, I want to squash it as soon as possible. Anything we can do to get the word out there that we are concerned and watching it I think is absolutely essential. Swapping a pig for a poke for a pig in a poke doesn't make any sense to me. So we need to make sure that we retain that. Because remember, the minute you give up ownership of that transmission and distribution system, you are then in a situation where the wheeling charges fall out of control. And unless you're prepared to move the energy across this Island in wheel barrels, which I find exceedingly difficult, we need to make sure that we're going to keep control of that transmission and distribution system that we paid a lot of hard-earned ratepayer money for, and I don't want to have any conversations with anybody about giving it away or swapping it.

CO-CHAIR CORDARO:

Joe?

MR. GORMAN:

Excuse me. Did we take a motion, as respects inviting the Legislators here to come with the legislation? Because that is a completely separate issue than this very long letter which we're going back to.

CO-CHAIR CORDARO:

Yeah. Well, this is apart from the letter. I would ask -- I think maybe the proper vehicle, if I can get the attention of Legislator Romaine, maybe the best vehicle for getting the State representatives in here from the standpoint of professional courtesy would -- maybe, I'm suggesting a personal invitation from yourself to Ken LaValle and Bob Sweeney to perhaps, at their convenience --

LEG. ROMAINE:

Ken LaValle is my State Senator, Assemblyman Sweeney is I believe your Assemblyman. What we will do, if those are the two names, if you have any other names that you'd like us to, both we, Legislator Horsley and myself, will draft a letter of invitation on behalf of the committee at the request of the committee to these gentlemen and ask them.

Now, as you know, they're in session, I don't know when their breaks are, but usually when they're in session they're home on a Thursday or more likely a Friday. So this committee may have to alter its schedule and see if we can get them both in at the same time. I believe for them and for many, that would be something that would be newsworthy because we would be talking about this legislation, what their intent is and how this committee could assist. And that has a lot to do with public power on Long Island.

CO-CHAIR SACKSTEIN:

I would certainly second that motion.

MR. SCHROEDER:

Well, on the question, Legislator Romaine, Legislator Horsley. Is it appropriate to ask and invite the State representatives to come before this committee, or is it more committee for us to attend a committee meeting of the Legislature and ask them to speak before that? From their standpoint, what would be preferable?

LEG. ROMAIN:

I think the Oversight Committee would be more appropriate because the Oversight has a very focused function. The EEE Committee has broad and wide and various functions. So I think -- and both Wayne and I will be here for that, for the Oversight meeting, you know, so we'll draft the letter. These are two good guys, they certainly, I think, will be happy to -- we would hope their schedule would permit them and we will certainly encourage them to do so.

CO-CHAIR SACKSTEIN:

So there's a motion and a second. Can we get a vote? All those opposed?

*(*Laughter*)*

All those in favor? It's unanimous, *(VOTE: 6-0-0-0)*.

CO-CHAIR CORDARO:

Okay. That covers two major areas for us. I mean, that will be a very useful start on dealing with PSC oversight as well as the management audit. I know Bob Sweeney has been very vocal about the need for this management audit as part of his effort to bring LIPA under oversight, formal regulatory oversight. So that will be very, very helpful for us to weigh in on that subject and to determine how we can assist and become involved.

MR. GORMAN:

Matt, that letter is so long.

CO-CHAIR CORDARO:

That's not in this letter that we're talking about.

MR. GORMAN:

Well, no, no, no. I'm talking about the letter that we're preparing to send --

CO-CHAIR CORDARO:

The LIPA letter, yes.

MR. GORMAN:

The LIPA letter is so long, I don't think it could be handled in one meeting. I think you've got to spread it out over two. And if you want to do it as, you know, what I call a work session, you know, a section where we're going to be meeting maybe downstairs, maybe with one or two LIPA -- because I just can't see how we could get and really digest -- yes, sir?

CO-CHAIR SACKSTEIN:

What I would prefer to see happen, quite frankly, would be if they're going to provide us with the information, send it to us in advance so that we're in a position to have reviewed it. Is that where you were going, Joe?

MR. SCHROEDER:

(Nodded head yes).

CO-CHAIR SACKSTEIN:

I knew it. That we have a position to evaluate it and frame the questions that are necessary. It would also give us some indication whether or not they're going to supply the information.

MR. SCHROEDER:

I think that's a more practical approach. I think, Fred, you're absolutely right, there's going to be a lot of issues here that we want to address. I think sending a letter to LIPA requesting cooperation

on the following issues, possibly to be followed by another letter, you know, wither other issues, to request a written response at their earliest possible convenience and invite them to a meeting to discuss that after we've had a chance to look at it, possibly even send them some more questions back on it, you know? But, yeah, I think that's a more productive way to go, and then focus in on issues of concern regarding their response to questions.

MR. GORMAN:

It's a lot of stuff.

CO-CHAIR SACKSTEIN:

You're going to be surprised what you hear.

CO-CHAIR CORDARO:

One thing we haven't talked about, it will be -- it will be an output of an overall management audit, without question, that deals with financial records as well as policies and procedures of LIPA, is the debt situation. I've mentioned to this committee before, I'm very interested in determining just how much of the original Shoreham debt has been retired. I'm not concerned about refundings or any transfers that may have taken place, but physically how much of the original Shoreham debt was retired? I don't think we've ever seen an accounting of that. That would be part and parcel of a management audit. But even apart from that, this is a question that you would go into the letter, it should be a number that they can give us.

MR. GORMAN:

The number is none. The number is none.

CO-CHAIR SACKSTEIN:

Well, let me ask -- let me ask you this.

CO-CHAIR CORDARO:

Fred says nothing, and that may be the case.

MR. GORMAN:

Well, that's pretty much --

CO-CHAIR CORDARO:

We've got to give them an opportunity to say that.

MR. GORMAN:

That's pretty much what they're saying.

CO-CHAIR SACKSTEIN:

Well, let me ask this question, because I'm asking myself, I'm not asking one of anyone in particular. I'm saying is this a matter of curiosity, does it matter if we find out it's none? What do we do about it if it's none? How do you change what is other than to look at it and say they didn't retire any of the money. I'm curious, but what do you do about it?

CO-CHAIR CORDARO:

Well, I think it's a direct reflection of LIPA's veracity in the sense that it's been always claimed that that debt was going to be retired by 2013. I mean, I've heard that repeated by a number of different people at LIPA in the changeover of leadership there. And if indeed it's zero up to this point, it becomes obvious that that isn't going to happen and LIPA needs to come clean and tell us what the truth is and what their financial plan is for dealing with that debt.

CO-CHAIR SACKSTEIN:

The original LIPA legislation was intended to take control of energy rates on Long Island and bring them down; it didn't. So from that standpoint, okay, they didn't even fulfill the initial obligation as set forth in the enabling legislation. They blew it, for whatever reason, and it may well have been because -- well, we know what happened, and it was, in fact, the Shoreham debt. If we hadn't been saddled with the Shoreham debt, it wouldn't have -- they could have accomplished what needed to be done. And from that standpoint, I tell you what, you point at Governor Pataki and those folks who engineered that "transaction" as they artfully termed it.

CO-CHAIR CORDARO:

It isn't only the Shoreham debt. Shoreham debt is a significant component of that, but a lot of additional monies have been borrowed along the way that contribute to the fact that LIPA's rates are very high. Other extenuating factors are fuel and the type of fuel, expensive fuel that needs to be used, the aging infrastructure, and those have direct relationships with management decisions that LIPA has made along the way.

What I'm saying is I don't disagree with what Shelly said, the Shoreham debt is a significant component as well as other debt, as well as taxes; taxes are a very big component. But there have also been a number of management decisions at LIPA, building excessive amounts of peaking generation, putting in under water interconnections, putting in two of those, the cross Island cable and the Neptune cable. Not to argue, that may not have been or may have been a good thing to do, but they've undertaken a lot of commitments and entered into many, many Power Purchase Agreements and contracts, and you view that altogether and it becomes quite an expensive package. So it's a little bit more complicated than just one issue. Of course it's a very important issue, the Shoreham debt, but there are other factors involved.

CO-CHAIR SACKSTEIN:

Do we have a question from the public? Would you introduce yourself for the record?

MS. MAHONEY:

You have to press the button and speak into the microphone.

CO-CHAIR SACKSTEIN:

That's the only reason -- I apologize, that's the only reason I asked you to go up there; we have to do it that way.

MR. SOLNIK:

Yeah, my name is Claude Solnik, I'm a reporter at Long Island Business News, but I guess here as part of the public. One thing I'm curious about is you're talking about why Long Island's electric rates are high. My understanding is that LIPA is basically prohibited from buying -- using NYPA hydropower. So essentially Long Island got shut out of the biggest, cheapest source of electricity in New York State and was basically locked into contracts with local power plants. And it just seems while there's this huge debate about how to hold down electric rates on Long Island, one answer is to use the hydropower that's being used everywhere else, including at places like Freeport, I think, and Brookhaven National Lab and places where they have cheaper power. Is there some way to kind of open the floodgates or to open somehow access to this hydropower that's owned by the State? Long Island is part of the State last time I looked. Is there some way to allow us to -- to allow Long Island to get access to that cheaper hydropower?

CO-CHAIR CORDARO:

There's a limited amount of NYPA power and it's distributed according to its original Charter. Some additional amounts have been made available. Freeport does get NYPA power as well as other public utilities on Long Island.

LEG. ROMAINE:

Greenport.

CO-CHAIR CORDARO:

Greenport too, Greenport and Rockville Center, but they get limited amounts. In fact, Freeport had to bill Generation because they couldn't get additional NYPA power. There's only a finite amount and it's just not available, that's the problem.

Now, one thing that's been floated by the current President of NYPA, which is not a new idea, Richard Kessel, would be to interconnect with Quebec, build a transmission line up to Quebec where there are additional sources, significant sources of hydropower and to transmit that electricity, that hydroelectricity down to Long Island. Of course, that would involve the construction of a very expensive and controversial transmission line, but that's a proposal that has been announced and is on the table. Politically it's a hot potato and not much progress has been made in that regard, but the only way we're going to have access to additional hydropower, because the NYPA total quantity of hydropower generated is really spoken for at this stage, would be to get access to hydropower from Quebec and Canada.

MR. SOLNIK:

But, I mean, they're moving it around. They just moved a lot of hydropower around from Upstate residents to this new program Recharge New York. I mean, couldn't they move some of it to Long Island.

CO-CHAIR CORDARO:

Yeah, but that's still small amounts of power. They -- and they're paying the political price for that, it's a political hot potato. Because the people Upstate are very, very happy with the cheap rates that they have from hydropower. So whenever there's a proposal to take some of that away and distribute it to other parts of the State and to other customer classes, there's a significant debate.

Now, I think the latest actions that were taken that distribute some of that for economic development purposes have been proposed and executed under the umbrella of creating jobs and helping the economy, not only Upstate but in other places. But even at that, the amount of power is not an extensive amount. It's not going to cure our problems if we could have access to it.

MR. SCHROEDER:

If I could add to that. One of the reasons that connecting this high priced market to lower priced Upstate markets is a political hot potato is because when you connect high priced markets to low price markets, typically the cost in the high price markets comes down somewhat, but the cost in the low priced markets goes up much more dramatically. Because we're willing to pay more, the commodity has more value to transport it down here and the people Upstate and those lowest cost marketplaces are going to experience an increase in rates that will cause them to be very upset. That's one of the main reasons why the State of Connecticut was opposed to the cross Island cable, that's one of the reasons why any interconnect for a natural gas from Long Island to other regions is going to face a tough up-hill battle, is because we're a very high priced market and it will increase the cost to ratepayers on the other side of that connection point.

CO-CHAIR SACKSTEIN:

At one time, Claude, there was a piece of legislation I believe called the Daily Hoyd Amendment, this goes back many years ago, and that limited the amount of power that was going to be coming down from Upstate, New York because, just as Joe said, they didn't want to necessarily share it.

Now, I believe it was about March of 2010 when we met with President Kessel, and we were discussing the issue of bringing down hydropower from Upstate, New York. And it would require bringing -- putting more lines, as Matt had said, to carry this power down here, whether we were

going to get it or not. And Richard Kessel said he was going to contact myself and Action Long Island in September of 2010 because he was going to need help to get this thing to happen, and I would agree with that, it's going to take some heavy lifting to make it happen. It's a real challenge because it's, as Joe says, they don't want to give it up.

But interestingly enough, Vinny Frigeria I believe is here, or his twin. And Vinny, is it true that Hydro Quebec is buying power from someplace other than generating it themselves because it's cheaper to get it elsewhere? And how much energy can we get from NYPA coming down here? I mean, you're a knowledgeable man, you could tell us these things. I mean, it should be public information. How much NYPA power is available for the downstate region?

*(*Laughter*)*

MR. FRIGERIA:

I'm not authorized to answer the questions, so I don't know.

CO-CHAIR SACKSTEIN:

Well, isn't that public information, though?

CO-CHAIR CORDARO:

Rather than put Vinny on the spot, maybe we can make a formal request or ask that question --

CO-CHAIR SACKSTEIN:

We'll write a letter to NIPA. You want to make a motion?

MR. GORMAN:

Come on, give me a break. I think I'm going to write you all an e-mail about the bonds and how it works.

CO-CHAIR SACKSTEIN:

I will write a letter to Chairman Kessel personally to get that information.

CO-CHAIR CORDARO:

Thank you.

MR. GORMAN:

Do you want me to make the motion? I'll make the motion that he writes the letter. Does anyone want to second that?

CO-CHAIR CORDARO:

I'll second that one.

CO-CHAIR SACKSTEIN:

It will no longer be just personal. All those in favor?

MR. GORMAN:

Everybody.

CO-CHAIR SACKSTEIN:

Does anybody in the room know Richie's address?

*(*Laughter*)*

CO-CHAIR CORDARO:

White Plains.

LEG. ROMAINE:

Merrick I think.

CO-CHAIR SACKSTEIN:

Vinny, are you authorized to disclose that information?

MR. FRIGERIA:

Yes, I'll give it to you.

CO-CHAIR SACKSTEIN:

Thank you very much.

CO-CHAIR CORDARO:

Okay. You know, I don't have other items on my list. Is there anything that a committee member wants to raise as far as --

MR. SCHLUSSLER:

I just wanted to talk about that working meeting. I think that's kind of a good idea, if we can meet ahead of time, since we do have the public hearing in two months.

CO-CHAIR CORDARO:

Well, this has turned out pretty much to be a working meeting, it's just that we're in a bigger room, and we have a stenographer, too. But all our meetings have to be --

MR. SCHROEDER:

Public.

CO-CHAIR CORDARO:

-- recorded in public. So, it's just a question of what we call it at this stage. But this has been very valuable and I hope that our next meeting will be equally as valuable. Maybe we'll have some feedback on the letters we may send out.

MR. GORMAN:

Peter, was that a motion? Is that a motion to meet in two weeks.

CO-CHAIR CORDARO:

No. We have our next meeting, which is April 13th.

MR. LIKE:

What day of the week is that.

MR. SCHROEDER:

It should be a Wednesday.

CO-CHAIR CORDARO:

Wednesday. Wednesday.

CO-CHAIR SACKSTEIN:

Peter, when do you think you'll have the draft of this letter ready? Could we get it within the next couple of days, or maybe we can start getting some information?

MR. LIKE:

Does it have to be a Wednesday?

MR. SCHLUSSLER:

I'll promise you by Monday. I've got a pretty heavy schedule this week, if you don't mind.

CO-CHAIR SACKSTEIN:

Thank you.

CO-CHAIR CORDARO:

To answer Irving's question about -- we're following the EEE Committee meetings and trying to shadow them as far as the schedule.

MR. LIKE:

I usually have a monthly meeting at the Fire Island Association in Manhattan on Wednesdays, and it probably would be just about that time. As a matter of fact, I'm missing a meeting today of the Fire Island Association. I'm Counsel to the association and they meet monthly at six o'clock, usually we leave at four.

LEG. ROMAINE:

Sand on the beach.

MR. GORMAN:

I think we should meet in two weeks.

MR. LIKE:

If we can meet earlier that day so I can get out of here by four, then I could do it.

CO-CHAIR SACKSTEIN:

Legislator Romaine said that he would make a room available for us, whether it was this one or another one, and so we certainly could accommodate everybody's schedule as best we can, and I'd love to have that meeting within two weeks. Hopefully we can get a reply or some sort of a sense from LIPA as to whether or not they're going to be responsive. Maybe we should put some sort of a timeframe in that letter that we're looking for a response; just some sense of urgency, not necessarily expecting that they're going to follow through on it.

MR. SCHROEDER:

If I could. I think we're putting together a pretty ambitious list of items here that we're asking LIPA to respond in writing to and then come and speak to us on, which means that between the time we get the return written document and the time that they come, we'd: To have a chance to review the document.

In my experience, over the past eight and a half years of requesting information from LIPA, I'm not confident that we will get a response, realistically, in two weeks. In all fairness to them, I don't think it's practical to get that paperwork back in time. If we're going to be meeting to discuss other issues, that's a separate issue.

MR. GORMAN:

Yes, I think we would be meeting to -- we're going to get this information, we're going to schedule things out, we've got to let the public know what we want to do? We want to organize -- I think a meeting once a month is too much. I think we all have to sit down, and now that we've got this -- we've got a basic agenda set on these three letters, the information we want, and then what we have to do is we have to start planning what a public meeting should look:.

CO-CHAIR SACKSTEIN:

Fred, why don't you consider the possibility of putting together a draft agenda that you could circulate via e-mail so that we can get a sense as to what we will have to do between now and the next two weeks. Remember, I'm in favor of meeting in two weeks, but there's got to be a real purpose. So if you want to draft some sort of an agenda and get it out to us via e-mail, then we'll know what we're doing.

CO-CHAIR CORDARO:

One thing that's going to --

MR. GORMAN:

And we need a calendar, too.

CO-CHAIR CORDARO:

One thing that's going to have to happen before we have the agenda is to see these letters put together and have them sent out. I mean, you know, that will dictate what we'll be able to discuss and the timing of that. So I think it's premature to set forth in detail what the agenda of the next meeting is until we get these letters out and see what happens.

MR. LIKE:

We're talking about two separate letters; there's one letter that you want me to send to Hempling, and there's another letter that's going to be going to LIPA.

MR. GORMAN:

Right, and then we also have a third --

CO-CHAIR CORDARO:

Right. And --

CO-CHAIR SACKSTEIN:

And we're going to send a letter to Richie.

MR. GORMAN:

And we also have a fourth letter which is going to the Legislature. Now, we're going to have a meeting with -- well, we're going to meet with the Legislature, we're going to have something, we're going to meet with -- there's just a lot of issues and we should have some sort of clear plan because, as you said, we have a year, we have these four special meetings, you know, and why we want to do, what did we bring up? Now, that letter, from what I understood from Peter, will be possibly ready Monday, so if we're meeting a week from Monday we all would have had a chance to read that letter, you know, and maybe organize how we want to go forward. But understand, if nobody wants to do it, I'm fine, I'll wait a month.

CO-CHAIR CORDARO:

No, the question is we've got to see the letter, we've got to agree to the letter, we've got to send the letter out and we've got to get some sort of response to it.

MR. GORMAN:

So why don't we start in two weeks? If he's going to have the letter Monday, we could sit down and look at it.

CO-CHAIR CORDARO:

If there's a need to have a meeting, I think we can schedule a meeting in two weeks on either Wednesday the 30th or Thursday the 31st.

MR. GORMAN:

Well, you know, I'd be just as happy to do everything, you know, via e-mail if you feel that that's a legitimate way to communicate. Because we all have to look at this letter, see if we have any questions, get it straightened out, and then figure out what we're going to be doing for the next year. This meeting was extremely productive. I mean, every issue that we could have thought of has been looked at, it's been -- you know, we decided what we want to do and now we've just got to figure out in the order we want to do it.

CO-CHAIR CORDARO:

Right. Well, a lot of that will depend on what kind of response we get to these communications. As far as finalizing the letter, we can do that by e-mail, we will do that by e-mail. We'll exchange versions and share comments on the letters and then get it out before we meet.

MR. GORMAN:

So then we're going to be able to agree on the letters and agree on everything that's going without actually having a meeting.

CO-CHAIR CORDARO:

On e-mail, I think so.

MR. GORMAN:

That's fine with me.

CO-CHAIR CORDARO:

Well, I think so. The letter itself, I mean, that's just --

MR. GORMAN:

Then we don't need a meeting.

CO-CHAIR CORDARO:

-- describing something that we all understood and decided on and it's just a matter of the language and sending it out.

CO-CHAIR SACKSTEIN:

Fred, let's just leave it this way for the moment. If we feel that there's a real need to have that meeting in two weeks, we'll do it. But we won't, for the moment, vote on that motion to hold that meeting in two weeks. And if you withdraw it, that would be wonderful.

MR. GORMAN:

I withdraw it.

CO-CHAIR SACKSTEIN:

And we will leave the option open to call for a meeting, as needed.

CO-CHAIR CORDARO:

The only thing I'm sympathetic towards is Irving's scheduling problem and I want to make sure he --

MR. LIKE:

If we could make it earlier on the 13th--

CO-CHAIR SACKSTEIN:

We can pick any time we need for you. like: As long as I can get out and leave by four o'clock.

MR. GORMAN:

We can't do that on the 13th because we're following the EEE Committee.

CO-CHAIR CORDARO:

Okay, we'll try to schedule it. It's a matter of what --

LEG. ROMAINE:

Tell me the time and place, I will get you a location. And even if it's the conference room back there or the conference room downstairs, which is very nicely appointed and --

MR. LIKE:

Ed, is the morning okay?

LEG. ROMAINE:

Absolutely.

CO-CHAIR SACKSTEIN:

Ed, is it possible in certain circumstances if it's left open for the public to attend? For example, in Irv's case, he's got a lovely conference room. Could we use it?

MR. LIKE:

Are you talking about -- any time.

CO-CHAIR SACKSTEIN:

It's open to the public. Is that okay, legally?

LEG. ROMAINE:

Yes. Wherever you wish to meet is fine. The Legislature sometimes has conducted its meetings outside of the Legislative auditorium in high schools or something of that nature. Wherever you want to meet.

And if I can help you arrange it I will, or if you can make your arrangement on your own, because you know of places, that's fine.

That would be great.

CO-CHAIR SACKSTEIN:

Perfect.

CO-CHAIR CORDARO:

So we're going to attempt to do something earlier on April 13th here and Joe can look into the availability of a room.

CO-CHAIR SACKSTEIN:

If necessary.

MR. SCHROEDER:

Well, given the typical schedule on the day of the Energy -- Economic Development, Higher Education & Energy Committee meetings, which we're following, that meeting is at two o'clock in the afternoon. If you're open as a group, we could meet, say, ten o'clock in the morning, we can find a spot somewhere in the building and meet here.

MR. LIKE:

Thank you very much.

MR. SCHROEDER:

April 13th?

CO-CHAIR SACKSTEIN:

Do you know what I do for a living? I'm an accountant. Thank you very much.

MR. GORMAN:

We can do breakfast.

MR. SCHROEDER:

Well, we could change the date, too, if it's not convenient.

CO-CHAIR CORDARO:

How about something the week of April 4th?

MR. GORMAN:

I do a lot of lunches.

MR. SCHROEDER:

As long as we're doing it in the morning and we can do it elsewhere in the building and still remain a public meeting, then we can do that. You know, we can send around some e-mails and settle that, but if you want to do it during the week of April 4th. I will be out of town a portion of that week, but --

*(*Laughter*)*

CO-CHAIR CORDARO:

For the entire week or is there some sort of availability?

MR. SCHROEDER:

From the 6th on I'll be gone.

CO-CHAIR CORDARO:

Can we have a meeting some time in the early afternoon on Tuesday the 5th?

CO-CHAIR SACKSTEIN:

Is there a reason? Do we have an agenda?

CO-CHAIR CORDARO:

Well, I mean, we were going to regularly meet on April 13th.

CO-CHAIR SACKSTEIN:

Okay.

CO-CHAIR CORDARO:

And the one reason we're trying to reschedule is to accommodate Irving as part of our regular meeting schedule. So I'm just proposing an alternative that would make life easy for Irving and not let too much time pass between now and the next meeting.

MR. SCHROEDER:

We'll have to check with the Clerk's Office on available space and solidify that.

CO-CHAIR SACKSTEIN:

And check our calendars when we get back to our offices and we'll resolve that tomorrow; is that okay?

MR. GORMAN:

Are we having a meeting tomorrow about resolving when we're going to have the meeting?

MR. SCHROEDER:

That's next Thursday.

CO-CHAIR CORDARO:

Is there any other business we should be taking up? If not, I'd entertain a motion to adjourn.

MR. GORMAN:

Second.

MR. SCHROEDER:

So moved. I'll second, you moved.

*(*Laughter*)*

CO-CHAIR CORDARO:

All in favor? Thank you.

*(*The meeting was adjourned at 6:05 P.M. *)*